

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

ATTORNEY'S DECLARATION
16 Cr 50 (DLI)

CHARLES THOMAS,
Defendant.
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JOYCE C. LONDON Esq., pursuant to 28 U.S.C. § 1746, hereby affirms under penalty of perjury:

1. I am an attorney duly admitted to practice law before the bars of this Court and this State.
2. I represent the defendant CHARLES THOMAS in the above-captioned matter and I submit this declaration in support of defendant's *in limine* motions herein.
3. The source of your deponent's information and the basis for her belief are the court records, records and discovery provided by the government in this case, conversations with Mr. Thomas, and independent investigation by counsel. All matters about which your deponent lacks personal knowledge are asserted herein upon information and belief.
4. Under Indictment No 16 Cr 50 (DLI), the grand jury of the Eastern District of New York has charged Charles Thomas in Counts One and Two of a three-count indictment. Count One charges Charles Thomas and others with a Hobbs Act robbery conspiracy in violation of 18 U.S.C. § 1951(a). Count Two charges the substantive offense of Hobbs Act robbery in violation of Title 18 U.S.C. §§ 1951(a) and 2.
5. This declaration is submitted in support of Charles Thomas' motions *in limine* for (I) an order pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure directing the Government to disclose to the defendant any and all acts which the Government would seek to introduce against the defendant pursuant to Federal Rule of Evidence 404(b) in

such sufficient and reasonable time that the defendant may make a further motion *in limine* to preclude the introduction of such evidence; (ii) an order permitting defendant Charles Thomas to make such other and further motions *in limine* as may be appropriate upon the production of additional discovery materials and the production of 3500 materials prior to trial; and (iii) for such other and further relief which this Court may deem just and proper.

6. Based on discovery provided by the government including Mr. Thomas' criminal history report, it appears that Mr. Thomas has six prior convictions. Three of these convictions are for felonies which occurred almost 13 years ago, namely three convictions for robbery in the second degree; a fourth felony conviction for robbery in the third degree occurred almost six years ago; a fifth felony conviction for assault in the second degree occurred five years ago; and the sixth conviction is a recent misdemeanor conviction.
7. To date, the government has provided no discovery relating to any uncharged prior bad acts.

OTHER RELIEF

8. Defendant Charles Thomas wishes to reserve the right to make any other necessary and appropriate *in limine* motions as the facts and circumstances of this case, the production of additional Rule 16 discovery materials or the production of 3500 materials should warrant. Wherefore the relief requested herein should be granted.

Pursuant to 28 U.S.C. § 1746, I affirm under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 16, 2016

/s/ Joyce C. London
JOYCE C. LONDON, ESQ.